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PATENTS

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Signature Theodore J. Leitereg Date 1/12/04

Name: Theodore J. Leitereg

Attorney Docket No. BEH-7381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: 09/691,383

Inventors: Edwin F. Ullman, *et al.*

Filed: October 17, 2000

Group Art Unit: 1641

Examiner: Cook, Lisa V.

Title: Simultaneous Screening of Multiple Analytes

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-entitled patent application are the following:

1. Summary of Record of Interview
2. Transmittal Letter (in duplicate)
3. Postcard

☒ Petition For Extension Of Time and Deposit Account Authorization

See accompanying Summary of Record of Interview

Address for Correspondence

All correspondence for this application should be addressed as follows: Susan Yarc, Behring Diagnostics GmbH, c/o Dade Behring Inc., 1717 Deerfield Road, Deerfield, Illinois 60015-0778, and the telephone number is (847) 267-5365.

Respectfully submitted,

Theodore J. Leitereg

Theodore J. Leitereg
Attorney for Applicant
Reg. No. 28,319

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Sir:

Summary of Record of Interview
Request for Reconsideration
Request for Additional Extension of Time (if necessary)

This is responsive to the Interview Summary Form dated December 12, 2003, from the U.S. Patent and Trademark Office in the above-identified patent application.

Summary of Record of Interview

In the Interview Summary Form the Examiner gave Applicant one month from the date of the Interview Summary Form to file a statement of the substance of the telephonic interview between the undersigned and the Examiner on December 5, 2003.

As indicated in the Interview Summary Form, the undersigned called the Examiner to ask about the checking of boxes regarding the period of reply in Paper No. 10. Box b had initially been checked but, as indicated by the Examiner, the check was subsequently changed to box a. The undersigned indicated to the Examiner that, in the undersigned's opinion, the correct box to check was box b. The undersigned indicated that the date of the Final Office Action was July 14, 2003. Since Applicant mailed an After Final Amendment on September 8, 2003, which was within the two-month period for reply, and the Advisory Action (dated November 13, 2003) was not mailed

until after the three-month period (October 14, 2003), Applicant was entitled to begin the extension period as of the date of the Advisory Action, namely, November 13, 2003, since the period for reply expired on the date of the Advisory Action. The Examiner indicated that the matter would be reviewed with the Examiner's supervisor.

Subsequently, the undersigned received a phone message from the Examiner, which the undersigned interpreted to mean that box b was the correct box. However, the undersigned must have misinterpreted the message since the Interview Summary Form indicates that the correct box is box a.

Request for Reconsideration

In view of the facts regarding the dates as set forth above, Applicant respectfully requests reconsideration of the determination of the correct box that should have been checked in the Advisory Action and, more importantly, the date for expiration of the period of reply and the beginning of the period for extension of time. In the event that reconsideration does not alter the original determination, Applicant respectfully requests an explanation thereof.

Request for Extension of Time (if necessary)

On December 5, 2003, Applicant filed a Notice of Appeal in the subject application. A request for an extension of time of one month for the subject application was mailed on December 9, 2003. The period of extension of time was based on Applicant's understanding and belief that the period for reply expired on (and the date for extension began on) the date of the Advisory Action as explained above.

In the event that the above request for reconsideration does not alter the original determination, Applicant requests an additional extension of time of one month to respond to the Final Office Action dated July 14, 2003, to December 14, 2003 (or, alternatively, an additional extension of two months, if necessary, to January 14, 2004). The Director is hereby authorized to charge any fee therefor, or credit any overpayment, to Deposit Account No. 04-0100. A duplicate copy of this paper is enclosed.

Respectfully submitted,


Theodore J. Leitereg
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Reg. No. 28,319

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